

**ICE
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DONADIO
& RYAN**

EPA Region 5 Records Ctr.



275552

May 25, 1999

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Sherry Estes, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency
Region V
77 West Jackson Boulevard (C-29A)
Chicago, IL 60604

RE: **Skinner Landfill**

Dear Ms. Estes:

As you may be aware, Globe Valve Division, Gerber Plumbing Fixtures Corp. ("Globe Valve") entered into a de minimis settlement agreement earlier this year with the Plaintiffs in the Skinner Landfill private cost recovery action pending in the United States District Court for the Southern District of Ohio. In addition to providing for settlement of Plaintiffs' claims regarding their past costs at the Skinner Site, that agreement requires certain of the Plaintiffs to seek to negotiate a de minimis settlement between Globe Valve and the United States (on behalf of the U.S. Environmental Protection Agency ("EPA")) that is at least as protective of the company's interests as are the terms of EPA's Model De Minimis Consent Decree set forth in the December 7, 1995 Federal Register.

It is Globe Valve's understanding that EPA, Region V, has now determined what information it will require in order to determine that Globe Valve qualifies for a de minimis settlement at this Site. That information consists of: (i) the summary of each de minimis settlor's waste-in volume and percentage share of Site costs, as determined by the Allocator in the Final Allocation Report from the Skinner Alternative Dispute Resolution process, and (ii) the narrative description of the Allocator's findings for each de minimis settlor, as set forth in the Preliminary Allocation Report and, where the Allocator supplemented or altered those findings in the Final Allocation Report, the Final Allocation Report.

May 25, 1999

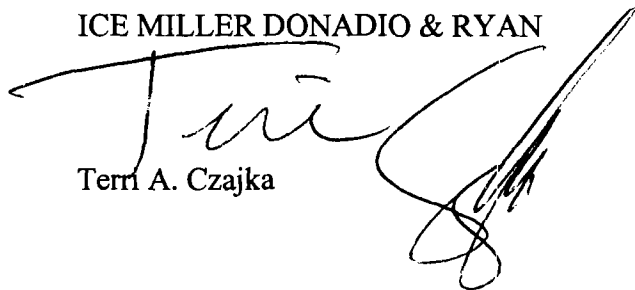
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Accordingly, I am enclosing the information requested by EPA for Globe Valve. I believe that this information amply demonstrates that Globe Valve is entitled to a de minimis settlement consistent with EPA's model de minimis settlement decree. Globe Valve understands that EPA and Plaintiffs in the private cost recovery litigation will allocate among themselves the \$2,000 to be paid by Globe Valve in settlement of the claims of Plaintiffs and the United States. By making this settlement offer, Globe Valve does not acknowledge any liability for response costs at the Skinner Site.

In order to ensure that Globe Valve is able to avoid the incurrence of additional transaction costs in connection with the ongoing Skinner cost recovery litigation, Globe Valve strongly urges EPA to finalize an appropriate de minimis settlement as expeditiously as possible. Such timely action would fulfill the statutory objectives of Section 122(g) of CERCLA and EPA's de minimis settlement policies, as well as provide needed funds for response actions at the Skinner Site.

Very truly yours,

ICE MILLER DONADIO & RYAN

A handwritten signature in black ink, appearing to read "Terri", with a large, stylized flourish extending to the right.

Terri A. Czajka

TAC/lls
Enclosure

480704.1

Globe Valve

Settlement Amount: **\$2,000.00**

Excerpt from Allocator's Preliminary Report :

Globe has had a facility on N. Washington St., Delphi, Indiana from 1937 - present. The company manufactured chrome-plated brass plumbing fixtures.

The link to the Site derived from a letter dated June 25, 1963 from Mr. Moor of the Union Township Improvement Association to the Butler County Health Department. The letter said that there had been disposal at the Site by "Globe Valve Company." The letter does not describe the location of "Globe Valve Company."

No deponent recalled a Globe Valve Company. Ray Skinner testified only that he recalled his father talking about the name.

Globe explained that it did not generate plating sludges until 1973 when a wastewater treatment plant was installed at its facility. Prior to 1973, plating waste was discharged on-site, Globe advised.

Globe used the following waste disposal companies: (1) J&J Disposal, which was purchased by TR Ash and later purchased by Waste Management of Lafayette, and (2) Chemical Waste Management of IN and its affiliates.

Although it denies its plating sludge went to the Site, the company submitted analytical test results from November 27, 1973 for sludge generated from its new on-site wastewater treatment plant. Since its wastes were either recycled or disposed of or burned on-site at the time of the 1963 letter referencing disposal at Skinner by "Globe Valve Company," Globe Valve does not believe it is the entity referred to in the letter.

Globe Valve's Delphi, Indiana facility is located 175 miles from the Site.

Globe Valve added that the term "globe valve" describes a type of valve and does not necessarily refer to an entity by that name. It advised me that the Ohio Secretary of State has public records of a number of companies in the Cincinnati area that are either known to have manufactured or may have manufactured globe valves (which, by the way, it does not manufacture). It gave Ohio Brass Company, Jordan Valve -- a division of Richards Industries, Inc. of Cincinnati, and Central Brass of Cleveland, Ohio, the Cincinnati Globe Brass Company, the Globe Corp., and Globe Safety Products of Dayton, Ohio, as examples.

Waste-in Amount. On this record, I am assigning Globe Valve a zero waste-in amount.

PRP	Source	Amount or Capacity	Compaction or Multiplier or Divisor	Frequency or loads	Wk/ Mo/ Yr	Years 1 is the default	Solid Sub- total	Liquid Subtotal	Solid Total Cys	Liquid Total Gals	Response Cost Dollar Credit	Solid Waste in Total	Percentage
Globe Valve Company	Qnt. Response	0	0	0	0	0			0			372906	0.0000%